

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
GREENVILLE DIVISION**

WILLIE MAE MOORE

PLAINTIFF

VS.

CAUSE NO. 4:07CV5-M-B

**WAL-MART STORES, INC.
AND JOHN DOES 1-5**

DEFENDANTS

AND

WAL-MART STORES, INC.

DEFENDANT/THIRD-PARTY PLAINTIFF

V.

**PUBLIC PAY PHONE COMPANY,
ROBERT P. SCHMIDT AND
JOHN DOES A-B**

THIRD-PARTY DEFENDANTS

NOTICE OF APPEAL

COMES NOW Defendant Wal-Mart Stores, Inc. and hereby notices this appeal to the United States Court of Appeals for the Fifth Circuit from the final Order and/or Judgment of this District Court entered in the above captioned proceeding on September 20, 2012. Defendant Wal-Mart submits the District Court's Order was not supported by the facts or law in this matter should be reversed.

RESPECTFULLY SUBMITTED, THIS, the 15th day of October, 2012.

WAL-MART STORES, INC.

By: /s/R. Brittain Virden

**R. BRITTAIN VIRDEN, MBN 10022
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Inc.**

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CERTIFICATE OF SERVICE

I , R. Brittain Virden, hereby certify that on October 15, 2012, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, which will send notification of such filing to Cynthia A. Stewart, Esq., cstewart@ms-lawyer.net

/s/R. Brittain Virden

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